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To: Office of Petitions
Mail Stop Petition
Commission for Patents
Company: United States Patent & Trademark Office
Phone:
Fax: 571-273-8300

From: Carla Eatwell
Legal Department
Phone: (410) 280-6412
Fax: (410) 280-6412

Date: March 7, 2006
No. of Pages Including
this cover page: 3

Re: Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)
Application No. 09/595,558
Docket No. 373 US-C2

Following is a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

The Commissioner is hereby authorized to charge the required fees (petition fee \$1500 and balance of issue fee of \$510) to Deposit Account No. 14-1170.

Sincerely,

Carla Eatwell

Carla Eatwell

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6 Southgate Court, Annapolis, MD 21401, USA. Tel: (410) 280-6412. Fax: (410) 280-6412

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PTO/SB/84 (10-05)

Approved for use through 07/31/2006, CMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
373US-C2

First named inventor: JONES, OWEN

Application No.: 09/595,558

Art Unit: 2644

Filed: 03/08/1999

Examiner: MEI, XU

Title: Variable Gain Active Noise Cancelling System with Improved Residual Noise Sensing

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500 (37 CFR 1.17(m))

Adjustment date: 03/09/2006 TL0222
07/21/2005 WASFAM2 00000066 141170 09595558
01 FC:1506 898.00 CR

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Part B - Issue Fee Transmittal (identify type of reply):

☒ has been filed previously on 07/20/2005 03/09/2006 TL0111 00000025 141170 09595558
☐ is enclosed herewith. 01 FC:1453 1500.00 DA

B. The issue fee and publication fee (if applicable) of \$ 510

☐ has been paid previously on 03/09/2006 TL0222 00000003 141170 09595558
☒ is enclosed herewith. 01 FC:1501 1400.00 DA

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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T-300 P.02/02 F-600

MAR 08 2006

Approved by us through 03/31/2006. One 055-0001
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

WARNING:

Patenters/applicants are cautioned to avoid submitting personal information in documents filed as a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, patenters/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Patenters/applicants are advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

John Laborion
Signature

3/8/2006
Date

John Laborion, President
Typed or printed name

Registration Number, if applicable

NCT Group, Inc.
Address

410-280-8412
Telephone Number

8 Southgate Court, Annapolis, MD 21401
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Authorization to charge Deposit Account

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(e)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Mar 8, 2006
Date

Lu Chaitelarnell
Signature

Typed or printed name of person signing certificate

(Page 2 of 2)

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